UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

---------------------------------------------------------------x

DANIEL McGUIRE,

Plaintiffs,

-against-

VILLAGE OF TARRYTOWN, et al.,

Defendants.

---------------------------------------------------------------x

**NOTICE OF MOTION**

Docket No.
08 Civ. 2049 (SCR)

**PLEASE TAKE NOTICE** that, upon the accompanying declaration of Charles A. Martin, and upon all pleadings and proceedings heretofore had herein, defendants VILLAGE OF TARRYTOWN; DREW FIXELL, STEVE McCABE, SCOTT BROWN, SERGEANT FRANK J. GIAMPICCOLO, SERGEANT JOHN C. GARDNER, SERGEANT JOHN BARBELET, SERGEANT KEVIN BARBELET, POLICE OFFICER CHRISTOPHER COLE, POLICE OFFICER GREGORY M. BUDNAR, POLICE OFFICER DENNIS C. SMITH, POLICE OFFICER BRIAN F. MACOM, and BARRY WARHIT, by their attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, will move this Court before the Hon. Stephen C. Robinson, United States District Judge, in the United States District Court for the Southern District of New York, located at the U.S. Courthouse, 300 Quarropas Street, White Plains, New York 10601, on a date and time to be determined by the Court, for an order, pursuant to Fed. R. Civ. P. 12(c), dismissing plaintiff's fourth cause of action under 42 U.S.C. §1985 and fifth cause of action under 42 U.S.C. § 1986 against all defendants, dismissing the entire complaint as against individual defendant Barry Warhit on the ground of judicial immunity, and as against individual defendant Kevin

Barbelet for failure to state a cause of action, and for such other and further relief as this Court may deem just, equitable, and proper.

Dated: Mineola, New York
April 30, 2008

MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS, LLP
Attorneys for Defendants VILLAGE OF TARRYTOWN; DREW FIXELL, STEVE McCABE, SCOTT BROWN, SERGEANT FRANK J. GIAMPICCOLO, SERGEANT JOHN C. GARDNER, SERGEANT JOHN BARBELET, SERGEANT KEVIN BARBELET, POLICE OFFICER CHRISTOPHER COLE, POLICE OFFICER GREGORY M. BUDNAR, POLICE OFFICER DENNIS C. SMITH, POLICE OFFICER BRIAN F. MACOM, and BARRY WARHIT

By: ____________________
BRIAN S. SOKOLOFF (bss-7147)
CHARLES A. MARTIN (cam-1881)
240 Mineola Boulevard
The Esposito Building
Mineola, New York 11501
(516) 741-7676
Our File No. 08-057

TO: CHARLES O. LEDERMAN
Attorney for Plaintiff
15 Avondale Road
White Plains, New York 10605

WESTCHESTER COUNTY ATTORNEY'S OFFICE
Attorneys for Defendants SHAMEKA TAYLOR, DISTRICT ATTORNEY'S OFFICE and COUNTY OF WESTCHESTER
148 Martine Avenue, 6th Floor
White Plains, New York 10601